

24.04.130 DECISION-MAKING BODY WITH FINAL AUTHORITY ON APPLICATION APPROVAL.

The following table indicates the decision-making body who can approve, deny or conditionally approve an application, whether or not a public hearing is required, and the bodies to which appeals can be made:

1. The planning commission and city council may refer certain aspects of any application to the zoning administrator for final action.
2. The zoning administrator may refer any of the matters on which he/she is authorized to act to the planning commission or historic preservation commission.
3. Recommendations for approval on General Plan matters and zoning ordinance text and map amendments shall require a majority vote of the planning commission; all other actions shall require a majority of the hearing body present at the meeting.

Public Hearing Requirement and Decision-Making Body Which Can Approve an Application				
Permits/Actions****	No Public Hearing	Public Hearing		Appeal Bodies (in order)
	Action	Recommendation	Action	
Coastal Permit	ZA (ADU)		ZA*	CPC/CC/CCC*
Administrative Use Permit: Large Family Daycare Homes and Temporary Uses	ZA			CPC/CC
Other uses as listed by individual zoning districts as requiring an Administrative Use Permit			ZA	CPC/CC
Conditional Driveway Permit			ZA	CPC/CC

Conditional Fence Permit	ZA		ZA	CPC/CC
Slope Regulations Modifications (Variance)			CPC	CC
Slope Regulations Modifications (Design Permit)	ZA			CPC/CC
Design Permit – Substandard lots: new two-story structures and second-story additions, <u>including</u> <u>excluding</u> ADUs Substandard lots: single-story ADUs Large homes per Section 24.08.450 Wireless telecommunications facilities New structures or improvements to existing structures in the WCD Overlay which are exempt or excluded from coastal permit requirements New structures or improvements to existing structures in the WCD Overlay which require a coastal permit	ZA		ZA	CPC/CC CPC/CC CPC/G CPC/CC CPC/CC CPC/CC
Demolition Permit 1. Single-family residential 2. Multifamily residential 3. Historic demolition permit 4. Nonresidential	ZA		CPC CPC HPC	CPC/CC CC CC CPC/CC
General Plan Text and Map Amendments		CPC	CC/CCC***	
Historic Alteration Permit Administrative Historic Alteration Permit	ZA		HPC	CC HPC/CC
Historic Building Survey:				

Building designation, deletion		HPC	CC	
Historic District Designation		HPC/CPC	CC	
Historic Landmark Designation		HPC	CC	
Mobile Homes (Certificate of Compatibility)	ZA			CPC/CC
Mobile Home Park Conversion			CPC	CC
Outdoor Extension Areas per Section 24.12.192	ZA			CPC/CC
Planned Development Permit		CPC	CC	
Project (Major) Modification	Hearing by ZA or body approving application			Appeal to next highest body(ies)
Project (Minor) Modification	ZA			CPC/CC
Relocation of Structures Permit	ZA			CPC/CC
Revocation Permit	Hearing by ZA or body approving application			Appeal to next highest body(ies)
Sign Permit	ZA			CPC/CC
Special Use Permit			CPC	CC
Variance			ZA	CPC/CC
Watercourse Variance			CPC	CC
Watercourse Development Permit	ZA			CPC/CC
Zoning Ordinance Text and Map Amendments				
Amendments recommended by CPC		CPC	CC/CCC***	
Amendments not recommended by CPC		CPC		CC/CCC***
CCC = California Coastal Commission CC = City Council CPC = City Planning Commission HPC = Historic Preservation Commission ZA = Zoning Administrator				

* For projects seaward of the mean high tide line, and in the case of appealable actions, the California Coastal Commission shall be the decision-making body which can finally approve an application.

** Such permits shall be issued administratively, without a public hearing, unless a cultural resources evaluation, prepared by a qualified consultant as determined by the zoning administrator, determines that the building or structure is eligible for listing on the city Historic Building Survey.

*** California Coastal Commission in case of CLUP policy, CLIP elements.

**** At a regularly scheduled meeting, a majority of the council may take an action to direct any project or amendment to be called from a lower hearing body prior to a final action or during an appeal period in accordance with Section 24.04.175(2).

24.08.1330 DEMOLITION OR CONVERSION OF SINGLE-FAMILY RESIDENCE OR DUPLEX UNITS.

The zoning administrator may issue a demolition/conversion authorization permit for the demolition or conversion of a single-family residence, accessory dwelling unit, or duplex upon finding that:

1. The building is not subject to the provisions of Part 11 (regarding Historic Demolition Permits) of this chapter, or that the demolition or conversion has been approved pursuant to the procedures set forth in Part 11; and
2. The project which will replace the demolished or converted unit(s) has been approved by the city, and an appropriate building permit has been issued; unless no building permit is required or some other practical hardship can be documented rendering this finding inappropriate; and
3. The building is not in the coastal zone, or, if it is in the coastal zone, is being replaced by a residential use or a nonresidential coastal-dependent use as defined by Section 30101 of the Public Resources Code; and
4. Relocation assistance has been provided to eligible tenants consistent with Section 24.08.1350; or
5. The building which is in the coastal zone and is being replaced by a nonresidential use which is not coastal-dependent as defined in Section 30101 of the Public Resources Code, is located where residential use is no longer feasible, but will not be issued a demolition permit or building permit in connection with the

conversion until the applicant has entered into an agreement to provide relocation assistance and replacement housing or in-lieu fees consistent with Section 24.08.1350 and the applicable portions of Sections 24.08.1360 and 24.08.1370 of this chapter.

24.10.230 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval of an administrative use permit and a design permit:
 - a. Family animal farm.
 - b. Temporary structures and uses.
 - c. Young farmer projects on sites of twenty thousand square feet or more on which a child may be permitted to raise one kid, lamb, or calf for a one-year period.
 - d. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
 - e. ~~Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2, except that accessory dwelling units are not subject to approval of a design permit unless located on a substandard lot as defined in Section 24.22.520.~~
 - f. Large family daycare homes (no design permit required unless otherwise required as a result of a structural modification to the residence).

24.10.330 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval of an administrative use permit and a design permit:
 - a. Family animal farm.
 - b. Temporary structures and uses.
 - c. Young farmer projects on sites of twenty thousand square feet or more on which a child may be permitted to raise one kid, lamb, or calf for a one-year period.
 - d. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.

e. ~~Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2, except that accessory dwelling units are not subject to approval of a design permit unless located on a substandard lot as defined in Section 24.22.520.~~

ef. Large family daycare homes (no design permit required unless otherwise required as a result of a structural modification to the residence).

24.10.410 PRINCIPAL PERMITTED USES.

The following uses are permitted outright if a design permit is obtained for new structures and environmental review is conducted in accordance with city and state guidelines (numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

1. Multiple dwellings, townhouse dwelling groups, and condominium projects in one or more structure(s).
(830, 840)
2. Community care facilities including daycare (except family daycare homes), retirement homes and foster homes (six or fewer).
3. Small family daycare homes.
4. Large family daycare homes in single-family dwellings or duplexes.
5. Two-family dwellings.
6. Community garden.
7. Single-family dwellings.
8. Accessory uses are principally permitted when they are a subordinate use to the principal use of the lot.
 - a. Home occupations subject to home occupation regulations as provided in Section 24.10.160.
 - b. Park and recreational facilities.
 - c. Room and board for not more than two paying guests per dwelling unit, when located within principal building.

- d. Residential accessory uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory Buildings, and Section 24.10.430.
- 9. Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2, except accessory dwelling units are not subject to approval of a design permit. ~~unless located on a substandard lot as defined in Section 24.22.520.~~
- 10. Supportive and transitional housing.

24.10.430 USE PERMIT REQUIREMENT.

- 2. The following uses are subject to approval of a special use permit and a design permit:
 - a. Bed-and-breakfast inns, subject to requirements in Chapter 24.12, Part 9.
 - b. Community care facilities including daycare (except family daycare homes), retirement home, foster home, and nursing home (seven or more persons).
 - c. ~~Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2, except that accessory dwelling units are not subject to approval of a design permit unless located on a substandard lot as defined in Section 24.22.520.~~
 - cd. Dormitories, fraternity/sorority residence halls, boardinghouses.
 - de. Health facilities for inpatient and outpatient psychiatric care and treatment.
 - ef. Off-street parking facilities accessory to a contiguous commercial property not to exceed one hundred feet from the boundary of the site it is intended to serve.
 - fg. Noncommercial recreation areas, buildings, and facilities such as parks, country clubs, golf courses, and riding, swimming and tennis clubs.
 - gh. Educational, religious, cultural, public utility or public service buildings and uses; but not including corporation yards, storage or repair yards, and warehouses.
 - hi. Social halls, lodges, fraternal organizations, and clubs, except those operated for a profit.

24.10.510 PRINCIPAL PERMITTED USES.

The following uses are permitted outright if a design permit is obtained for new structures and environmental review is conducted in accordance with city and state guidelines (numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

1. Multiple dwellings, townhouse dwelling groups, and condominium projects in one or more structures. (830, 840)
2. Community care facilities including daycare (except family daycare homes), foster home, and retirement home (six or fewer persons).
3. Community garden.
4. Small family daycare homes.
5. Large family daycare homes in single-family home or duplex.
6. Accessory uses are principally permitted when they are a subordinate use to the principal use of the lot.
 - a. Park and recreational facilities.
 - b. Home occupations subject to home occupation regulations as provided in Section 24.10.160.
 - c. Room and board for not more than two paying guests per dwelling unit, when located within principal building.
 - d. Residential accessory uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory Buildings, and Section 24.10.530.
7. Supportive and transitional housing.
8. Accessory Dwelling Units on parcels with an existing single-family dwelling, subject to the provisions of Chapter 24.16, Part 2, except accessory dwelling units are not subject to approval of a design permit.

24.10.565 PRINCIPAL PERMITTED USES.

The following uses are permitted subject to a design permit for new structures in compliance with the Beach and South of Laurel Design Guidelines and other requirements of the Municipal Code (numerical references at

the end of these categories reflect the general use classifications listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses). Additionally, environmental review must be conducted in accordance with city and state guidelines:

1. Multiple dwellings, townhouse dwelling groups, and condominium projects in one or more structures; (830, 840)
2. Small community care residential facilities including daycare (except family daycare homes), foster homes, and retirement homes, with six or fewer persons; (800A)
3. Small family daycare homes; (510a)
4. Large family daycare homes in single-family dwellings or duplexes; (510a)
5. Supportive and transitional housing.

6. Accessory Dwelling Units on parcels with an existing single-family dwelling, subject to the provisions of Chapter 24.16, Part 2 except accessory dwelling units are not subject to approval of a design permit.

24.10.603 PRINCIPAL PERMITTED USES.

1. The following uses are subject to approval of a design permit and other requirements of the Municipal Code (numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):
 - a. Duplexes; (810)
 - b. Small family daycare facility in single-family home or duplex (510a);
 - c. Accessory Uses. Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory Buildings.
 - d. Supportive and transitional housing in single-family home or duplex.

2. Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2, except accessory dwelling units are not subject to approval of a design permit. ~~unless located on a substandard lot as defined in Section 24.22.520.~~

24.10.604 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval of an administrative use permit and a design permit and other requirements of the Municipal Code (numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):
 - a. Single-family dwellings; (810)
 - b. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140;
 - c. Multiple dwellings, townhouse dwelling groups, and condominiums (three to nine units); (830)
 - d. ~~Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2, except that accessory dwelling units are not subject to approval of a design permit unless located on a substandard lot as defined in Section 24.22.520;~~
 - e. Large family daycare homes (no design permit required unless otherwise required as a result of a structural modification to the residence);
 - f. Supportive and transitional housing in multifamily dwellings (three to nine units).

24.10.627 PRINCIPAL PERMITTED USES.

1. The following uses are permitted, subject to a design permit, Conservation Overlay District (Section 24.10.4000) and other requirements of the Municipal Code (numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):
 - a. Single-family and duplexes (800, 810);
 - b. Storage and equipment structures, if ancillary to principal residential use;
 - c. Small family daycare homes in single-family homes or duplexes (510a);
 - d. Accessory Uses. Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory Buildings;

- e. Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2, except accessory dwelling units are not subject to approval of a design permit. ~~unless located on a substandard lot as defined in Section 24.22.520;~~
- f. Supportive and transitional housing in single-family home or duplex.

24.10.628 USE PERMIT REQUIREMENT.

- 1. The following uses are subject to approval of an administrative use permit and a design permit and other requirements of the Municipal Code (numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):
 - a. Small community care residential facilities.
 - b. Temporary structures and uses.
 - c. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
 - ~~d. Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2, except that accessory dwelling units are not subject to approval of a design permit unless located on a substandard lot as defined in Section 24.22.520.~~
 - ~~e. Large family daycare homes (no design permit required unless otherwise required as a result of a structural modification to the residence).~~

24.12.140 ACCESSORY BUILDINGS.

Accessory buildings are subject to the regulations and permit requirements of the zoning district in which they're located.

- 1. No setback shall be required for an accessory building except as otherwise provided.
- 2. No accessory building shall be located in a front or exterior side yard. A garage may not be located closer than twenty feet from front or exterior side yard lot lines; except that a garage may be built to the front and exterior side yard lot lines where the slope of the front half of the lot is greater than one foot rise or fall in a distance of seven feet from the established street elevation at the property line, or where the elevation of the lot at the street line is five feet more above or below the established street elevation.

3. Accessory buildings that are less than one hundred twenty square feet in floor area are not required to conform to the distance-between-buildings requirement set forth in the district regulations, Chapter 24.10; however, such structures are subject to all other standards, regulations, and requirements of this title.
4. Habitable accessory buildings shall not be located within the front yard nor closer than six feet to the nearest point of the principal building; and shall conform to principal building rear and side yard requirements of the district in which they are located.
 - a. No accessory buildings shall be used as living quarters unless used for nonpaying guests (guesthouses).
5. Accessory buildings may not cover an area in excess of thirty percent of any required yard area except as permitted under Section 24.16.140.5.
6. An accessory building attached to a main building by a breezeway is not part of the main building.
7. An accessory building may have one sink installed in it if a plumbing permit is obtained. A property with multiple accessory buildings may have a sink in only one accessory building. Any additional plumbing fixtures would require an administrative use permit subject to findings listed in subsection (8) and a building permit for plumbing facilities is obtained.
8. Except for accessory dwelling units, accessory buildings may contain a full bathroom only when an administrative use permit and design permit are approved in accordance with district regulations and all of the following findings are made:
 - a. The structure and use are subordinate to the principal use; and
 - b. The purpose of the use is incidental to the principal use; and
 - c. The use is customarily appurtenant to the permitted use; and
 - d. The structure will not be used as a dwelling unit except as set forth in Chapter 24.16, Part 2, Accessory Dwelling Units; and
 - e. A deed restriction will be recorded limiting the use of the structure to that approved under the permit unless otherwise authorized by the city.

24.12.240 NUMBER OF PARKING SPACES REQUIRED.

1. Where the computation of required parking spaces produces a fractional result, fractions of one-half or greater shall require one full parking space.

Use	Spaces Required
a. Automobile or machinery sales and service garages	1 for each 400 square feet floor area
b. Banks without automatic teller machines	1 for each 400 square feet floor area
c. Banks with automatic teller machines	1 for each 400 square feet floor area; plus 1.5 for each machine
d. Business and professional offices, excluding medical and dental offices	1 for each 300 square feet floor area
e. Billiard parlors	1.5 for each table
f. Boarding homes for the aged	1 for each 5 beds, plus 1 for each employee
g. Children's homes	1 for each 5 beds, plus 1 for each employee
h. Houses of worship	1 for each 3.5 seats in the sanctuary
i. Dancehalls and assembly halls without fixed seats, exhibition halls, except church assembly rooms in conjunction with auditoriums	1 for each 3 persons of design occupancy load
j. Family daycare and foster family homes	1 for every 5 guests, plus 1 for the resident owner or manager
k. Funeral homes, mortuaries	1 for each 5 seats of the aggregate number of seats provided in all assembly rooms
l. Furniture and appliance stores, household equipment	1 for each 800 square feet of sales floor area
m. Community care residential facilities	1 for each 5 guests, plus 1 for the manager, plus 1 for each employee on the shift with the maximum number of personnel
n. Hospitals	1 for each bed, plus 1 for each employee on the shift with the maximum number of personnel

	Use	Spaces Required
o.	Hotels, motels	1 for each unit intended for separate occupancy, plus 1 for the resident owner or manager
p.	Institutions for the aged	1 for every 5 guests, plus 1 for each employee on the shift with the maximum number of personnel
q.	Manufacturing plants, bottling plants, processing plants, packaging plants, furniture repair	1 for each 500 square feet of floor area
r.	Medical and dental clinics and offices	1 for each 200 square feet of floor area
s.	Medical (or convalescent) hospitals	1 for each 5 beds, plus 1 for each employee on the shift with the maximum number of personnel
t.	Nursing homes	1 for every 5 guests, plus 1 for the resident manager, plus 1 for each employee on the shift with the maximum number of personnel
u.	Physical fitness facilities Multi-program: Single-program: • aerobics: • basketball; volleyball: • lap pool: • weightlifting: Physical fitness facilities with more than 15,000 square feet of floor area shall provide an additional 10 percent of the total number of required parking spaces	1 space for each 100 square feet of floor area 1 space for each 50 square feet of floor area 1 space for each 3 persons of occupancy 2 spaces per lane plus 1 space for each 300 square feet of non-pool floor area 1 space for each 250 feet of floor area Physical fitness facilities with more than 15,000 square feet of floor area shall provide an additional 10 percent of the total number of required parking spaces

	Use	Spaces Required			
v. Physical therapy		1 space per 200 square feet of floor area. In addition, 1 space per 50 square feet of pool (water) area			
w. Residential Uses		Number of Bedrooms			
Type	Efficiency	1	2	3	4 or more
Single-family (including townhouses)	1.0	1.0	2.0	2.0	3 + 1 for ea. addl. bedroom
Houseboat, duplex, triplex, multiple mobilehome	1.0	1.5	2.0	2.0	3 + 0.5 for ea. addl. bedroom
Lodging, rooming houses and bed-and-breakfast inns		2 spaces, plus 1 for each bedroom			
Residence halls, dormitories		0.75 space for each guest or occupant			
Senior housing development		1 for each 3 dwelling units or rooms intended for separate occupancy, plus an area of land equal to the required off-street parking for apartments, not including required open space, which could be converted to parking should the retirement center change to a multifamily residential use			
Small ownership unit (SOU)		1 space for each dwelling unit			
Single-room occupancy dwelling unit, less than 300 square feet		0.75 for each dwelling unit			

Single-room occupancy dwelling unit, 300 square feet or more	1 for each dwelling unit
Accessory dwelling unit	<u>No required parking when there is one ADU on a parcel. When two ADUs are present on one parcel, 1 parking space, covered or uncovered, shall be provided on site when required per Section 24.16.140.2 for any accessory dwelling unit, with an additional space provided for each bedroom after the first.</u> These requirements are in addition to the required parking for the primary residence.
Community housing projects	In addition to meeting above residential parking requirements, 1 additional parking space for each 4 dwelling units shall be provided

	Use	Spaces Required
x.	Restaurants and other establishments selling food and beverages on the premises (including bars and nightclubs without live entertainment)	1 for each 120 square feet of floor area
y.	Restaurants with counter and/or take-out service or drive-in facilities	1 for each 120 square feet of floor area, plus 1 for each 50 square feet of floor area devoted to counter/take-out service
z.	Research and development facilities	1 for each 325 square feet of floor area, or 1 for every 2 employees (maximum shift), whichever is greater
aa.	Retail stores, shops, service establishments, including shopping centers other than furniture and appliance stores	1 for each 250 square feet of floor area
ab.	Schools:	
	• Elementary and junior high	1 for each employee
	• High schools	1 for each employee, plus 1 for each 10 students

	Use	Spaces Required
ac.	Colleges (business, beauty, etc.) and universities	1 for each employee, plus 1 for each 3 students
ad.	Self-service laundry and dry cleaning establishments	1 for each 200 square feet of floor area
ae.	Service stations	3 for each lubrication or service bay, plus 1 for each employee on the day shift
af.	Sports arenas, auditoriums, assembly halls, and meeting rooms	1 for each 3.5 seats of maximum seating capacity
ag.	Theaters	1 for each 3.5 seats for the first 350 seats; plus 1 for each 5 additional seats
ah.	Wholesale establishments, warehouses, service and maintenance center, communications equipment buildings	1 for each 1,000 square feet of floor area
ai.	Recycling collection facilities <ul style="list-style-type: none"> • Independent • In conjunction with other uses that provide required parking 	2 spaces 0 spaces
aj.	Unspecified uses of buildings, structures, or premises	Where the parking requirement for a particular use is not specifically established in this section, the parking requirements for each use shall be determined by the zoning administrator, and such determination shall be based upon the requirements for similar uses. Public uses not specifically established in this section shall meet the parking requirement as established by the planning commission. The planning commission shall take into account the proposed use and parking availability in the vicinity of the use.

24.12.1755 PROPERTIES WITH ACCESSORY DWELLING UNITS.

1. Short-term rentals are not permitted in an accessory dwelling unit or in the main house of an accessory dwelling unit property, except as provided below.
2. An existing accessory dwelling unit property may apply for a short-term rental permit in cases where the accessory dwelling unit property:
 - a. Was issued a transient occupancy registration certificate prior to November 10, 2015; and
 - b. Is in the same ownership as when the transient occupancy registration certificate obtained prior to November 10, 2015, was issued; and
 - c. Is in compliance with the provisions of Chapter 3.28, including payment of all taxes, penalties, and interest due, for any short-term rentals; and
 - d. Is in compliance with the principal residency requirements specified in this chapter; and
 - e. Has remitted transient occupancy tax to the city within the previous calendar year.
3. Accessory Dwelling Unit properties which have an approved final inspection on their accessory dwelling unit Building Permit on or after January 1, 2019 may apply for a Provisional Short-Term Rental Permit as described in Section 24.16.140.9(e)3. Application must be made within the first year after the unit is constructed.
Provisional permits will expire three years after the date of issue.

Part 2: ACCESSORY DWELLING UNITS

24.16.100 PURPOSE.

The ordinance codified in this part provides for accessory dwelling units in certain areas and on lots developed or proposed to be developed with single-family dwellings. Such accessory dwellings are allowed because they can contribute needed housing to the community's housing stock. Thus, it is found that accessory dwelling units are a residential use which is consistent with the General Plan objectives and zoning regulations and which enhances housing opportunities that are compatible with single-family residential development.

Accessory dwelling units provide housing for family members, students, the elderly, in-home health care

providers, the disabled and others within existing neighborhoods, and homeowners who create accessory dwelling units may benefit from added income and an increased sense of security.

In addition the ordinance codified in this part provides a mechanism to grant legal status to existing illegally constructed accessory dwelling units in single-family neighborhoods. By encouraging legalization, safe dwellings may be added to the city's existing housing supply.

Thus it is found that accessory dwelling units are a residential use which is consistent with the General Plan objectives and zoning regulations and which enhances housing opportunities with single-family development, throughout the City of Santa Cruz. To ensure that accessory dwelling units will conform to General Plan policy the following regulations are established.

24.16.120 LOCATIONS PERMITTED.

Accessory dwelling units are permitted in the following zones on lots of four thousand five hundred square feet or more any size in conjunction with a single-family dwelling:

1. RS-1A, RS-2A, RS-5A, RS-10A;
2. R-1-5, R-1-7, R-1-10;
3. R-L, R-M, R-H;
4. R-T(A), R-T(B), and R-T(D).

24.16.125 DEFINITIONS.

The following definitions shall apply to Accessory Dwelling Units throughout the Municipal Code:

"Conversion Accessory Dwelling Unit" shall mean any accessory dwelling unit created primarily by the conversion of any permitted or legal non-conforming structure erected prior to 2017, or portion of such a structure. Consistent with zoning standards, Conversion accessory dwelling units shall be permitted to expand the existing footprint of the structure by up to one hundred twenty square feet, and the existing height by up to two feet, and must be in conformance with all requirements of Section 24.16.142.

“New Construction Accessory Dwelling Unit” shall mean any accessory dwelling unit that includes new

construction and which does not meet the definition and requirements for a Conversion Accessory Dwelling Unit.

24.16.130 PERMIT PROCEDURES.

1. ~~The following accessory Accessory~~ dwelling units shall be principally permitted uses within the zoning districts specified in Section 24.16.120 and subject to the development standards in Section 24.16.140 et.seq.

- a. ~~Any accessory dwelling unit meeting the same development standards as permitted for the principal single-family dwelling in the zoning district, whether attached or detached from the principal single-family dwelling.~~
- b. ~~Any single-story accessory dwelling unit.~~
- c. ~~Any two-story accessory dwelling unit.~~

2. Accessory dwelling units on substandard lots shall not be required to obtain a design permit ~~as well as comply with other requirements in Section 24.08.440 of the Municipal Code unless it is associated with the construction of a new single-family dwelling per Section 24.08.400 et.seq.~~

24.16.140 DEVELOPMENT STANDARDS.

All accessory dwelling units, both New Construction and Conversion, must conform to the following ~~standards requirements~~:

41. Number of Accessory Dwelling Units per Parcel. Only one accessory dwelling unit shall be allowed for each parcel less than 10,000 square feet of net lot area. No more than two accessory dwelling units shall be permitted on parcels 10,000 square feet or larger in net lot area.

1. ~~Parking. One parking space shall be provided on site for each studio and one bedroom accessory dwelling unit. Two parking spaces shall be provided on site for each two-bedroom accessory unit. Parking for the accessory dwelling unit is in addition to the required parking for the principal single-family dwelling. (See Section 24.16.160 for parking incentives.) Exception: No parking shall be required for the accessory dwelling unit if any of the following instances occur:~~

- a. ~~The accessory dwelling unit is located within one-half mile of public transit. For purposes of this section, public transit is defined as the Santa Cruz Metro Center;~~
- b. ~~The accessory dwelling unit is located within a historic district;~~
- c. ~~The accessory dwelling unit is located entirely within the existing single family dwelling or within an existing accessory structure;~~
- d. ~~When there is a car share vehicle located within one block of the accessory dwelling unit.~~

12. Parking. No parking shall be required when one accessory dwelling unit is present on a parcel. One parking space shall be required when two accessory dwelling units are present on a parcel. The primary dwelling on a parcel with an accessory dwelling unit is subject to the parking requirements applicable to the zone district (See Section 24.16.160 for parking incentives). Exception: No parking shall be required for any parcels with two accessory dwelling units if any of the following instances occur:

- a. The ~~parcel accessory dwelling unit~~ is located within one-half mile of public transit. For purposes of this section, public transit is defined as the Santa Cruz Metro Center;
- b. The ~~parcel accessory dwelling unit~~ is located within a historic district;
- c. ~~The Both accessory dwelling units is are either Conversion accessory dwelling units or are attached to another permitted or legal non-conforming structure on the property located entirely within the existing single family dwelling or within an existing accessory structure;~~
- d. When there is a car share vehicle located within one block of the accessory dwelling unit.

23. Unit Size. The floor area for accessory dwelling units shall not exceed ten percent of the net lot area up to a maximum of one thousand two hundred square feet of habitable area. The floor area of both accessory dwelling units on a parcel eligible for two units shall not exceed a combined total of ten percent of net lot area up to a maximum of one thousand two hundred square feet of habitable area, and this area may be distributed between the two units in a manner that suits the site and meets all other requirements of the Municipal Code. The ~~floor area for accessory dwelling units attached to the principal single family dwelling shall not exceed fifty percent of the existing habitable floor area of the principal single family dwelling and not exceed the maximum ADU floor area allowed for the lot.~~ Accessory units that utilize alternative green construction methods that cause the exterior wall thickness to be greater than normal shall have the unit square footage size measured

similar to the interior square footage of a traditional frame house. ~~In no case may any combination of buildings occupy more than thirty percent of the required rear yard for the district in which it is located, except for units which face an alley or the rail trail as noted in Section 24.16.160(5). Stairways which provide access to accessory dwelling units do not count toward the floor area of an accessory dwelling unit when the stairs are not part of the conditioned space, the stairs do not include any other rooms or room-like areas that would function as habitable floor area for the ADU, and there is a fire-rated entry door at the top of the stairs at the entrance to the accessory dwelling unit.~~

34. Existing Development on Lot. A single-family dwelling exists on the lot or will be constructed in conjunction with the accessory dwelling unit.

75. Rear Yard Lot Coverage. ~~An existing accessory building built prior to 2017 with a valid building permit or is a legal nonconforming structure that occupies more than thirty percent of the required rear yard setback area may be converted into an accessory dwelling unit as allowed under Section 24.16.130. Construction of a new accessory dwelling unit is~~ Parcels with detached accessory dwelling units shall be permitted to exceed required to meet the thirty percent rear yard lot coverage requirement, and will be permitted to cover up to fifty percent of the rear yard area except as allowed under Section 24.16.160(5).

146. Open Space and Landscaping. The site plan shall provide open space and landscaping that are useful for both the accessory dwelling unit and the principal single-family dwelling. Landscaping shall provide for the privacy and screening of adjacent properties.

157. The following standards apply to accessory dwelling units located outside the standard side and rear yard setbacks for the district:

The entrance to the accessory dwelling unit shall face the interior of the lot unless the accessory dwelling unit is directly accessible from an alley, a public street, or the Monterey Bay Sanctuary Scenic Trail.

Windows which face an adjoining residential property shall be designed to protect the privacy of neighbors; alternatively, fencing or landscaping shall be required to provide screening.

118. Alley or Rail Trail Orientation. When an accessory dwelling unit is adjacent to an alley or the Monterey Bay Sanctuary Scenic Trail, the accessory dwelling unit is encouraged to be oriented toward the alley or trail with the front access door and windows facing the alley. Parking provided off the alley shall maintain a twenty-four-foot back out which includes the alley. Fences shall be three feet, six inches along the alley. However,

higher fencing up to six feet can be considered in unusual design circumstances subject to review and approval of the zoning administrator.

9. Occupancy.

- a. The property owner or an adult member of the property owner's immediate family limited to the property owner's spouse, adult children, parents, siblings, and subject to verification by the city for whom the property owner is a court-appointed conservator must occupy either the primary or accessory dwelling as his or her principal place of residence except under circumstances as established by resolution by the city council that may require allow the property owner or the executor or trustee of the property owner's estate, to vacate the unit during which time the property owner or a member of the property owner's family who has the property owner's power of attorney or is an executor of the property
owner's estate may apply to the city council for approval of a temporary change in use allowing both units to be rented for a period of no more than two years with a possible extension of one year by the planning director if circumstances warrant. Upon the expiration of the rental period, the property owner and/or the property owner's immediate family member, as specified above, shall reoccupy the property
or the property owner shall cease renting one of the units, or sell the property to a buyer who will reside on the property. A fee for such a request shall be in an amount established by resolution by the city council.
- b. For purposes of this chapter, the property owner is the majority owner of the property as shown in the most recent Santa Cruz County assessor's roll.
- c. If there is more than one property owner of record the owner with the majority interest in the property shall be deemed the property owner for purposes of this chapter. Any property owner of record holding an equal share interest in the property may be deemed the majority property owner if no other property owner owns a greater interest. (For example, if the property is owned by two people, each with a fifty percent interest, either of the two owners may be deemed the property owner for purposes of the owner occupancy requirement. If three people own the property, each with a thirty-three and one-third percent interest, any one of the three may be deemed the property owner for purposes of the owner occupancy requirement.)

d. Notwithstanding subsection (9)(a), the community development director, in consultation with the city manager and city attorney, shall be authorized to promulgate regulations intended to legalize accessory dwelling units which are nonconforming solely by virtue of the fact that the property owner has failed to comply with subsection (9)(a)'s owner occupancy requirement, including but not limited to regulations providing for the amortization of the nonconformity by specifying a period of time within which the absentee owner must either establish occupancy or discontinue the accessory dwelling unit use of the property or alternatively sell the property, and regulations providing for the recordation of land use agreements specifying the terms of amortization.

e. Accessory dwelling unit properties are intended shall be used for long-term residential purposes only. Accessory dwelling unit properties may neither be used on a transient occupancy basis nor for short-term/vacation rental purposes.

1) Exception. A legal accessory dwelling unit property that had legal status prior to November 10, 2015, and was in use as a short-term/vacation rental prior to that date, and for which the owner remits transient occupancy tax in compliance with Chapter 3.28 in full in a timely manner for the use of the property as short-term/vacation rental purposes, may continue the use. The owner must meet the owner-occupancy requirement of this code.

2) Exception. A legal accessory dwelling unit property that commenced use as a short-term/vacation rental between November 10, 2015, and the effective date of the ordinance codified in this section or that commenced use as a short-term/vacation rental use prior to November 13, 2015, and for which transient occupancy tax payments had not been made or paid in full prior to that date, but for which the owner remits transient occupancy tax in compliance with Chapter 3.28 in full in a timely manner for the use of the property as short term/vacation rental purposes, may continue the use for two years until December 24, 2017, after which the short-term/vacation rental use shall cease. The owner must meet the owner-occupancy requirement of this code.

3) Exception. Beginning January 1, 2019, the City may grant Provisional Short-Term Rental Permits to parcels with newly-completed accessory dwelling units, which will grant permission to operate a Short-Term Rental occupancy within the accessory dwelling unit for a period of three years. Applications for these Provisional Short-Term Rental Permits must be made within the first year after the approved final inspection on the Building Permit for the unit. All requirements of Section 24.12.1700 shall apply to these units during the duration of their operation as a short-term rental.

10. Connections Between Units. At the discretion of the Planning Director, accessory dwelling units may be permitted to create direct access between units, or common access to a shared garage, laundry room, or storage area, provided that each unit meets the definition of Dwelling Unit found in Section 24.22.320.

811. Other Code Requirements. The accessory dwelling unit shall meet the requirements of the California Building Standards Code including the alternative means and methods section as prescribed therein.

~~16. Green Building Standards. New accessory dwelling unit construction (not conversion of existing space) shall be required to meet green building prioritized permit processing. Conversion of existing space into an accessory dwelling unit shall be required to meet minimum green building point standards plus fifteen additional points.~~

24.16.141 NEW CONSTRUCTION ACCESSORY DWELLING UNIT DEVELOPMENT STANDARDS.

421. Design. The design of the accessory dwelling unit shall relate to the design of the principal single-family dwelling by use of the compatible exterior wall materials, window types, door and window trims, roofing materials and roof pitch.

52. Setbacks for New Construction Detached Accessory Dwelling Units.

a. The side yard and rear yard setbacks for ~~a New Construction of detached single-story structures containing an~~ accessory dwelling unit shall not be less than three feet and the distance between buildings on the same lot must be a minimum of six feet.

b. New Construction accessory dwelling units constructed above a garage ~~built prior to 2017~~ shall provide side and rear yard setbacks of at least five feet.

c. New Construction accessory dwelling units higher than one story ~~and not built above a garage located within entirely new structures constructed after 2016~~ shall provide side setbacks of at least five feet and rear setbacks of at least ten feet.

d. If any portion of ~~a New Construction~~ accessory dwelling unit is located in front of the principal single-family dwelling, then the front and side yard setbacks shall be the same as ~~the principal single-family dwelling in those required for single-family homes in~~ the zoning district.

63. Setbacks for New Construction Attached Accessory Dwelling Units. New Construction attached accessory dwelling units shall meet the same setbacks as the principal single-family dwelling in the zoning district.

104. Building Height and Stories.

- a. A one-story detached New Construction accessory dwelling unit shall be no more than fifteen feet in height measured to the roof peak and shall not extend above and beyond the daylight plane having a height of seven feet at each side or rear property line and extending into the property at an angle of forty-five degrees. Architectural features as described under Section 24.12.120(1)(a) ~~and existing buildings described under subsection (5)~~ shall be exempt from the daylight plane regulation. ~~Existing buildings described under subsection (5) shall not have their existing height increased.~~
- b. A two-story detached New Construction accessory dwelling unit shall be no more than twenty-two feet in height measured to the roof peak.
- c. The two-story detached New Construction accessory dwelling unit shall limit the major access stairs, decks, entry doors, and windows to the interior of the lot, an alley, or the Monterey Bay Sanctuary Scenic Trail if applicable. Windows that impact the privacy of the neighboring side or rear yards shall be minimized.
- d. An attached New Construction accessory dwelling unit may occupy any level of the principal single-family dwelling ~~and must if it is designed as an integral part of principal single-family dwelling and meets~~ the setbacks required for the principal single-family dwelling.
- e. If the design of the principal single-family dwelling has special roof features that should be matched on the detached accessory dwelling unit to enhance design compatibility, the maximum allowed building height of the accessory dwelling unit may be exceeded in order to include such similar special roof features subject to review and approval of the zoning administrator.

5. Substandard Lots. When a New Construction accessory dwelling unit is proposed on a substandard residential lot, as defined in Section 24.22.520, the following design standards shall apply to the proposed structure and site plan:

- a) The maximum allowable lot coverage for all structures shall be forty-five percent. Lot coverage shall include the footprints of the first floor, garage (attached and detached), decks and porches (greater than

thirty inches in height and not cantilevered), and any second-story cantilevered projection (enclosed or open) beyond two and one-half feet. Decks under thirty inches in height or fully cantilevered with no vertical support posts do not count toward lot coverage for this purpose. Second-story enclosed cantilevered areas that project less than thirty inches from the building wall do not count toward lot coverage. For such areas that project more than thirty inches from the building wall, only the floor area that projects more than thirty inches shall be counted as lot coverage.

b)The floor area for all second stories shall not exceed fifty percent of the first floor area for all structures, except in cases where the first floor area of the structure to which a second story is being added constitutes thirty percent or less of the net lot area.

c)Continuous long walls parallel to the side property line with narrow side yards shall be minimized.

d)Landscaping shall be required at least for front yard areas.

e)Structures, landscaping or other features shall incorporate methods to lessen the visibility of garages on a street facade.

f)When an attached New Construction accessory dwelling unit is proposed on a substandard lot in conjunction with a new single-family home, a Design Permit shall be required per Section 24.08.440.

136. Large Home Design Permit. When a New Construction attached accessory dwelling unit is proposed in conjunction with a new single family dwelling or with an addition to the existing single family dwelling, then the square footage of an the attached accessory dwelling unit shall be counted with the square footage of the single-family home in determining whether a large home design permit is required. When a New Construction attached accessory dwelling unit is proposed and there is no addition to any other portion of the primary dwelling proposed, the square footage of the accessory dwelling unit shall not be counted toward a large home design permit. The square footage of any detached accessory dwelling unit shall not be counted toward a large home design permit.

24.16.142 CONVERSION ACCESSORY DWELLING UNIT DEVELOPMENT STANDARDS

1. Setbacks and Lot Coverage. Conversion accessory dwelling units shall be permitted to maintain the existing setbacks and lot coverage of the structure to be converted or reconstructed, regardless of their conformance to current zoning standards An existing accessory building built prior to 2017 with a valid building permit or is a legal nonconforming structure that has less than required side or rear yard setback(s)

~~may be converted into an accessory dwelling unit as allowed under Section 24.16.130. In addition, the building shall meet all other California Building Standards Code requirements including the alternative means and methods section as prescribed therein. Section 24.18.030(1) of the Municipal Code shall not apply.~~

2. Reconstruction. Structures to be converted may either be converted utilizing the existing structural components of the building, or reconstructed within the existing three-dimensional physical space occupied by the structure.

3. Additions and Expansions. An accessory dwelling unit shall be considered a Conversion accessory dwelling unit when the proposed dwelling unit is created primarily within an existing or reconstructed structure.

- a. Expansions of floor space up to one hundred twenty square feet shall be permitted, and these expansions shall comply with the development standards that apply to New Construction accessory dwelling units as stated in Section 24.16.141, and shall not enlarge the accessory dwelling unit beyond the size permitted for the parcel.
- b. Expansions of up to two feet in additional height shall be permitted, and these expansions shall comply with the height limits set for New Construction accessory dwelling units in Section 24.16.141.
- c. Any expansion in excess of the above thresholds will trigger review as a New Construction accessory dwelling unit, including assessment of any required fees.

4. Large Home Design Permit. The square footage of any Conversion accessory dwelling unit shall not be counted toward the requirement for a large home design permit.

24.16.150 DEED RESTRICTIONS.

Before obtaining a building permit for an accessory dwelling unit the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:

1. The accessory dwelling unit shall not be sold separately.
2. The unit is restricted to the approved size.

3. The use of the accessory dwelling unit shall be in effect only so long as the property is in compliance with the ordinance as codified, including the requirements regarding occupancy in this part, including Section 24.16.140(9).
4. The above declarations are binding upon any successor in ownership of the property; lack of compliance shall be cause for code enforcement.
5. The deed restrictions shall lapse upon removal of the accessory dwelling unit.
6. For properties with accessory dwelling units that are located in a permit parking program district, the primary residence and the accessory dwelling unit combined shall qualify only for the number of residential parking permits that would have been available to the primary residence. No additional permits will be granted for the accessory dwelling unit. The property owner shall offer the tenant of an accessory dwelling unit a residential parking permit if requested by the tenant.
7. Neither ~~T~~he accessory dwelling unit nor the primary unit shall not be used as a short term or vacation rental except as permitted under Section 24.16.140.9(e).

24.16.160 ZONING INCENTIVES.

The following incentives are to encourage construction of accessory dwelling units:

1. Affordability Requirements for Fee Waivers. Accessory dwelling units proposed to be rented at affordable rents, as established by the city, may have development fees waived per Part 4 of this chapter. Existing dwelling units shall be relieved of the affordability requirement upon payment of fees in the amount previously waived plus the difference between that amount and the fees in effect at the time of repayment.
2. Covered Parking. The covered parking requirement for the principal single-family dwelling shall not apply if an accessory dwelling unit is provided. However, no plumbing fixtures may be installed in any remaining existing garage or newly constructed garage on a property that has an accessory dwelling unit without approval of the zoning administrator.
3. Front or Exterior Yard Parking. Three parking spaces may be provided in the front or exterior yard setback under this incentive with the parking design subject to approval of the zoning administrator. The maximum impervious surfaces devoted to the parking area shall be no greater than the existing driveway surfaces at time of application. Not more than fifty percent of the front yard width shall be allowed to be parking area.

4. Tandem Parking. For a parcel with a-permitted accessory dwelling unit, required parking spaces for the principal single-family dwelling and the accessory dwelling unit may be provided in tandem on a driveway. A tandem arrangement consists of one car behind the other. No more than three total cars in tandem may be counted towards meeting the parking requirement.
5. Alley or Rail Trail Presence. If an accessory dwelling unit faces an alley or the Monterey Bay Sanctuary Scenic Trail as noted in the design standards in this chapter, the limitations on rear yard coverage as specified in Sections 24.16.140~~(2) and/or~~(5) do not apply.
6. Historic Properties. Variations to accessory dwelling unit regulations regarding lot size, setbacks, unit size and height may be allowed in accord with Section 24.12.445 for lots with historic buildings listed on the city historic building survey and on lots with contributing buildings within historic districts.